

## Port Wardens Application

1. Pick up an application at the Office of Code Enforcement and return with:
  - A. \$50 application fee
  - B. 12 copies of the application
  - C. 12 copies of building and/or grading permit
2. Detailed application information is found in the City Code, Title 15, available on the City's web site: [www.annapolis.gov](http://www.annapolis.gov).
3. After staff review and approval, the application will be placed on the agenda of the Board of Port Wardens for their next hearing. Applicants will be notified of the hearing date.
4. The property must be posted at least 10 days prior to the hearing, with a sign facing the street and a sign facing the water. Signs are available for \$10 each from DNEP and should be purchased at the time the application is submitted.
5. At least 10 days prior to the hearing you must notify by mail all property owners within 150 feet if your application is for a working boatyard or private pier with 4 or fewer slips; or within 500 feet for all other applications. The mailing must include a site plan and complete description of the application and the date and time for the hearing. For those properties requiring notification that are multi-family dwellings, notification may be made to the board members of the unit owners association and/or property manager in lieu of notification of all property owners. Certificates of mailing shall be submitted to the Port Wardens at the hearing.
6. If your application includes any structures that encroach within 5 feet of the lateral line, you must obtain a written letter of no objection from the affected adjacent property owner. Letters of no objection must be submitted with the completed application.
7. Decisions are generally made by the Board at the hearing but become official only after Findings of Fact are approved by the Board at the following hearing. The 30 days after the Findings are approved are set aside for any appeals to the decision.
8. A city permit may be issued only if:
  - A. Both the Corps of Engineers and MDE permits are delivered to the Office of Environmental Programs
  - B. All advertising fees are paid to the Capital Newspaper

## **FILLING OUT AND SUBMITTING THE PORT WARDENS APPLICATION**

1. This application is required for any construction, modification or enlargement of any structure installed or intended to be installed in the waterway, and any dredging or filling. This application is **not** required for repair or reconstruction of legally existing structures that have been damaged or destroyed within the last year. However, a building permit application is required.
2. Please refer to City Code, Title 15, Division III for complete application information. The City Code is accessible from the City's web site: [www.annapolis.gov](http://www.annapolis.gov)
3. The City requires 12 copies of your application and drawings to be submitted to the Office of Code Enforcement. If you do not submit the required number of copies, fees, or essential information, your application will not be processed.
4. The following items are required:
  - a. Drawings and construction details in 8 ½ by 11 format. Larger projects may submit blueprints.
  - b. City plat showing harbor lines, lateral lines, water depths, and existing waterway structures. Harbor line maps are available from the City's Survey Office.
  - c. City quad sheet (1 inch to 40 ft scale, available from the City's Survey Office) showing the proposed improvements and their relationship to adjoining properties.
  - d. The drawings must show a relationship between the proposed construction and a fixed object on shore. The fixed object should be clearly identified, indicating the distance between the it and the proposed construction.
  - e. Any other information as may be required by Title 15.
5. Other details:
  - a. Completed applications and the filing fee are to be submitted to the Office of Code Enforcement at 160 Duke of Gloucester Street, Annapolis, MD 21401. Checks are to be made payable to the City of Annapolis.
  - b. Applications are processed by City staff for the Port Wardens hearings, which occur on the 4<sup>th</sup> Tuesday of each month. Complete staff review can take several weeks and revisions will occasion further delays.
  - c. The City will notify the applicant before the hearing at which the application will be heard.
  - d. The applicant or an authorized representative must be present at the hearing.

- e. All property owners within 150 ft for working boatyards and private piers with four or fewer slips, and 500 feet for all other applicants, including commercial marinas, Yacht Clubs, and all private marinas with more than four slips, must be notified in writing by the applicant by ~~certified~~ mail so that they will have the opportunity to attend the hearing.
  - f. A notice of public hearing will be placed by the City in the local newspaper in conformity with notification provisions of City Code Title 15. The applicant will be billed by the newspaper, and the City permit cannot be issued until the newspaper has been paid.
  - g. Signs must be posted on the site at least 10 days prior to the hearing. Signs are available from the City.
- 6. The application must reflect the construction desired. Subsequent changes must be submitted to City staff for review and approved by the Port Wardens in a public hearing.
  - 7. A completed City Building Permit application must be submitted with the hearing application for all proposed marine construction. A completed City Grading Permit application must be submitted for any dredging, filling, or placement of stone.
  - 8. The City will publish a Notice of Decision in the newspaper, and the applicant is responsible for payment.
  - 9. Appeals to a decision of the Port Wardens must be made within 30 days and are to the Circuit Court of Anne Arundel County.
  - 10. Following payment of all advertising costs and the receipt of both State and Federal approvals, the application will be processed for permit issue. The applicant will be notified when the permit is ready for pick-up.

Joint State and Federal Tidal Wetlands License:

MDE, Water Management Administration  
Regulatory Service Coordination Office  
1800 Washington Boulevard, Suite 430  
Baltimore, MD 21230-1708  
Tel. 410 537-3762 or 800 876-0200

- 11. The City may issue a permit before the appeal period expires. If this occurs, work may commence at the applicant's risk.
- 12. If you have any questions regarding your Port Wardens application, please contact:  
Frank Biba, Chief of Environmental Programs  
Tel. 410 263-7946 or email [fjb@annapolis.gov](mailto:fjb@annapolis.gov)

City of Annapolis  
Department of Neighborhood and Environmental Programs

160 Duke of Gloucester Street  
Annapolis, Maryland 21401  
410-263-7946

**CITY OF ANNAPOLIS APPLICATION FOR MARITIME CONSTRUCTION PERMIT**

**NOTE:** *Type or Print in ink only.*

*Illegible, incomplete, or unsigned applications will be returned.*      Date: \_\_\_\_\_

Property Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Residential                      Commercial      (circle one)

Body of Water: \_\_\_\_\_ Waterfront Property Footage: \_\_\_\_\_ ft.

Owner: \_\_\_\_\_ Day Phone : \_\_\_\_\_

Address: \_\_\_\_\_

Occupant: \_\_\_\_\_ Day Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Maryland Licensed Contractor: \_\_\_\_\_ Day Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City License #: \_\_\_\_\_

Electric Proposed:    ☐ Yes    ☐ No

Plumbing Proposed:    ☐ Yes    ☐ No

**NOTE:** *Permits are required for plumbing and electrical work. You must have a licensed contractor prior to receiving a permit.*

**Description and Drawing of Proposed Work:** This is one of the most important parts of your application. Your description should give a clear idea of the proposed work. Your diagram should show the water depth to the nearest foot along the length of your proposed and existing dock, platform, and mooring pilings. It should show the location of the proposed slips and/or boat lifts as well as the distance of proposed construction to the lateral lines and harbor line. All of this should appear on a single, accurate drawing; however, you may use a second drawing to show the location of your property. Photographs of your existing property may also help. Drawings and photos may be appended to this application if room here is not sufficient.

**(Description of proposed work)**

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## Piers and Pilings

**NOTE:** Copy of MDE and Federal permits or letters of exemption required before issuance of a City permit.

Proposed length and width of new piers and platforms: \_\_\_\_\_

Distance from fixed object on shore (please identify object): \_\_\_\_\_

Number and type of proposed mooring pilings in this application: \_\_\_\_\_

Existing docks, mooring pilings, bulkheads and other structures on the site: \_\_\_\_\_

## Boats, Boat Slips, Boat Lifts

**NOTE:** MDE and Federal permits or letters of exemption are required before issuance of a City permit. Electrical lifts require electrical permits.

Currently existing slips \_\_\_\_\_ Slips are requested for Private or Commercial (circle one)

Number of slips requested \_\_\_\_\_ Number of boat lifts requested \_\_\_\_\_

Total slips proposed at site (existing plus requested) \_\_\_\_\_

Total water frontage of property \_\_\_\_\_ Total parking spaces \_\_\_\_\_

(Residentially zoned property allows 1 slip for each 25 feet of water frontage: Commercially zoned property allows slip density at a ratio of 1 slip for 2 parking spaces)

Water depth at slips: \_\_\_\_\_ (If a site plan is referenced, it must have water depth noted)

Non-commercial use: Boat length and registration number(s) \_\_\_\_\_

Non-commercial use: Boat ownership \_\_\_\_\_

(If yours is a privately owned, legally installed residential pier, vessels other than your own are allowed to temporarily use your pier but you can not receive any form of payment in return as it violates the City zoning code)

## Bulkhead Applications

*NOTE: MDE and Federal permits or letters of exemption are required before the issuance of a City permit*

- ( ) Rebuild Existing Bulkhead
- ( ) New Construction
- ( ) Fill behind old or new structure? If so, a City grading permit is required.

## Dredging Applications

*NOTE: A City grading permit is required. Dredging is not allowed in City waters between April 1 and October 15 and may be further restricted depending upon fish spawning, subaquatic vegetation, other shallow water habitat. State and Federal approvals are required. Contact MDE at 410 631-8645 or USACOE at 410 962-6011. Drawings submitted with application must show scaled cross section.*

Cubic yards of material to be dredged: \_\_\_\_\_ Control depth of cut: \_\_\_\_\_ at MLW

Material to be deposited on site: \_\_\_\_\_% Material to be taken to another site: \_\_\_\_\_%

Name and address of deposit site: \_\_\_\_\_

Dredged from shore \_\_\_\_\_ from barge \_\_\_\_\_ ; Removed by truck \_\_\_\_\_ by barge \_\_\_\_\_

## Filling Applications

*NOTE: A City grading permit is required for the deposition of any fill material below the mean high tide line. State and Federal approvals are also required. Stone revetments, groins and any other stone structures must be underlain with filter cloth. Fills behind bulkheads and for wetlands creation must be clean sand. Drawings submitted with application must show scaled cross section.*

Cubic yards of material deposited: \_\_\_\_\_ Deposition from shore \_\_\_\_\_ from barge \_\_\_\_\_

## Adjoining Property Owners

Name	Property and or Mailing Address
_____	_____
_____	_____

If any part of your project is within 5 feet of the lateral line, then the affected adjacent property owner must agree to give you a letter of no objection which you must attach to this application. Your application can not be heard by the Port Wardens unless such letters are provided.

Additional Information:

1. Fees are not refundable. At this writing (October, 2005) the hearing filing fee is \$50.00. There are also fees for each permit.
2. Revisions may cause delays in your project.
3. No work may commence until the appropriate permit has been issued.
4. Permits will not be issued until:
  1. Copies of the MDE and COE permits/approvals have been provided to the City by the applicant;
  2. All advertising costs have been paid to the newspaper;
  3. All permit fees have been paid at the time of permit pick up.
5. A permit will become invalid if:
  1. Work is not commenced within 90 days, or as otherwise approved by the Department of Neighborhood and Environmental Programs;
  2. Work is not completed within 2 years of issue date.
6. No construction work or noise from machinery shall be allowed earlier than 7:00 am or later than dusk.
7. Please refer to City Code Title 15 (Harbors and Waterfront Areas) and Title 21 (Zoning) for additional requirements, accessible at the City's web site: [www.annapolis.gov](http://www.annapolis.gov)
8. Falsification or misrepresentation, and in some cases, omission, of information material to this application discovered before the hearing will result in the immediate cessation of the review process. If discovered after the hearing but prior to permit issue, the applicant will be required to resubmit an amended application for a second Port Wardens hearing. If discovered after issuance of the permit, the permit will be revoked.

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

The applicants certify & agree as follows: (1) that they are authorized to make this application; (2) that the information is correct; (3) that they will comply with regulations of the City of Annapolis which are applicable hereto; (4) that they will only perform work on the above property specifically described in this application; and (5) that they grant City officials the right to enter onto the property for the purpose of inspecting the work permitted and posting notices.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_



CITY OF ANNAPOLIS  
MARITIME USE PERMIT



PROPERTY OWNER

ADDRESS \_\_\_\_\_

TYPE OF USE        ☐ RESIDENTIAL        ☐ COMMERCIAL  
                         ☐ OTHER, PLEASE SPECIFY \_\_\_\_\_

ZONING DESIGNATION \_\_\_\_\_ WATERFRONT PROPERTY FOOTAGE \_\_\_\_\_

1. IF RESIDENTIAL USE, ANSWER THE FOLLOWING:

NUMBER OF BOAT SLIPS \_\_\_\_\_ PIER LENGTH \_\_\_\_\_ DATE BUILT \_\_\_\_\_

SLIP USE: ☐ FAMILY ☐ BUSINESS ☐ OTHER, PLEASE SPECIFY \_\_\_\_\_

REGISTRATION NUMBERS OF BOATS OCCUPYING SLIPS: \_\_\_\_\_

2. IF COMMERCIAL USE, ANSWER THE FOLLOWING:

TYPE OF FACILITY: ☐ MARINA ☐ YACHT/BOAT YARD ☐ YACHT CLUB  
☐ YACHT/BOAT SALES ☐ YACHT/BOAT RENTAL ☐ OTHER, PLEASE SPECIFY \_\_\_\_\_

DATE OF ORIGINAL CONSTRUCTION \_\_\_\_\_ NUMBER OF SLIPS \_\_\_\_\_

DATE OF NEW CONSTRUCTION \_\_\_\_\_ NUMBER OF SLIPS \_\_\_\_\_

NUMBER OF BOATS IN DRY STORAGE \_\_\_\_\_ NUMBER OF PARKING SPACES \_\_\_\_\_

NUMBER OF BOAT RAMPS \_\_\_\_\_ NUMBER OF TRAVEL LIFTS \_\_\_\_\_

NAME AND MAILING ADDRESS OF BUSINESS AND SERVICE ESTABLISHMENTS \_\_\_\_\_

3. IF "OTHER" USE, ANSWER THE FOLLOWING:

TYPE OF FACILITY: ☐ APARTMENT MARINA ☐ CONDOMINIUM MARINA  
☐ NEIGHBORHOOD MARINA ☐ SAILING/BOATING SCHOOL ☐ OTHER, PLEASE SPECIFY \_\_\_\_\_

DATE OF ORIGINAL CONSTRUCTION \_\_\_\_\_ NUMBER OF SLIPS \_\_\_\_\_

DATE OF NEW CONSTRUCTION \_\_\_\_\_ NUMBER OF SLIPS \_\_\_\_\_

NUMBER OF BOATS IN DRY STORAGE \_\_\_\_\_ NUMBER OF PARKING SPACES \_\_\_\_\_

NUMBER OF BOAT RAMPS \_\_\_\_\_ NUMBER OF TRAVEL LIFTS \_\_\_\_\_

DOES FACILITY HAVE ☐ ALCOHOLIC BEVERAGE LICENSE ☐ SNACK BAR ☐ RESTAURANT  
☐ NONE OF THE ABOVE

I HEREBY CERTIFY THAT I AM THE OWNER OR AUTHORIZED AGENT WHO IS QUALIFIED TO  
COMPLETE THIS APPLICATION AND THAT THE FACTS AND DECLARATION OF INTENT SET FORTH  
ABOVE ARE TRUE AND ARE INTENDED TO BE RELIED UPON BY THE DESIGNATED OFFICIALS OF  
THE CITY OF ANNAPOLIS

NAME (please print) \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

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FOR OFFICIAL USE ONLY

REVIEWED AND APPROVED BY: \_\_\_\_\_

DNEP

DATE

P&Z

DATE

FIRE

DATE

ISSUE DATE

PERMIT NUMBER

#### **15.20.010 - Building permit—Required.**

A City building permit issued by the Department of Neighborhood and Environmental Programs is required to rebuild, modify, construct or enlarge any structure intended to be installed permanently in the waterways. An application for a building permit, under either Section 15.20.030 or 15.20.040, shall be filed and obtained in accordance with the procedures of the Department of Neighborhood and Environmental Programs before any work is initiated. For purposes of this section, a mooring is not a structure for which a building permit is required.

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part); prior code § 10-16)*

#### **15.20.020 - Building permit—Concept review.**

- A. Prior to filing an application for a building permit under the provisions of Section 15.20.030 or 15.20.040, a prospective applicant may file with the Port Wardens a sketch setting forth a concept plan of the proposed improvements. The sketch shall contain, at a minimum, an outline of the developable waterway area for the property, as well as the location and dimensions of all existing and proposed piers, mooring piles, mooring buoys and shore protection structures.
- B. Following submission of the sketch of a concept plan as provided by subsection A of this section, the chair of the Port Wardens, or the chair's designee, shall meet with the prospective applicant, together with the Director of Public Works and the Director of Neighborhood and Environmental Programs, the Director of Planning and Zoning and the Fire Chief, or their respective designees. At this meeting, City officials shall review the concept plans with the prospective applicant and provide objections or suggestions, as appropriate. Thereafter, an application for a building permit may be filed pursuant to the provisions of Sections 15.20.030 and 15.20.040. To the extent practicable, the application shall take into account any objections or suggestions provided at the concept review meeting.

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part); prior code § 10-16)*

#### **15.20.030 - Building permit—Application—Rebuilding or repair.**

A person may not repair or rebuild any structure permanently installed in the waterways without a permit issued by the Director of Neighborhood and Environmental Programs. An application shall be submitted to the director and shall be accompanied by such drawings and specifications as the director requires in order to determine the nature and scope of the work to be performed. If the application satisfies the applicable provisions of Title 21 of this code, as determined by the Planning and Zoning Director, and the Director of Neighborhood and Environmental Programs determines that the structure to be repaired or rebuilt lawfully was authorized by the Port Wardens or by Section 15.18.110 or 15.18.120 and was damaged or destroyed not more than one year prior to the date of application, and that the proposed structure is substantially the same as the structure to be repaired or rebuilt, and does not exceed the maximum channelward encroachment of the structure to be repaired or rebuilt, then the director shall issue the permit. If the application satisfies the zoning requirements but the director finds that the application does not satisfy the other provisions of this section, the director shall submit the application to the Port Wardens to be processed under the provisions of Section 15.20.040.

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part); prior code § 10-17)*

#### **15.20.040 - Building permit—Application—Remodeling or new construction.**

Except as provided in Section 15.20.030, an application for a building permit to construct, modify or enlarge any structure installed or intended to be installed permanently in the waterways shall be filed with the Director of Neighborhood and Environmental Programs. When the Director of Neighborhood and Environmental Programs has determined that the application satisfies all applicable regulations of this title and the Planning and Zoning Director has determined that the application satisfies the applicable regulations of Title 21 of this code, the director shall submit the application with the supporting data to the Port Wardens for their approval or disapproval.

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part); prior code § 10-18 (part))*

#### **15.20.050 - Building permit—Application—Notification.**

Upon submission of a building permit application under Sections 15.20.060 or 15.20.070, and confirmation from the City of the hearing date, applicants shall send via mail, at least ten (10) days prior to the hearing date, to each property owner for every property identified in Subsections 15.20.060(A)(1) or 15.20.070(A)(1), a site plan and complete description of the application and a statement that a hearing will be scheduled before the City of Annapolis Board of Port Wardens regarding the application. For those properties requiring notification that are multi-family dwellings, notification may be made to the board members of the unit owners association and/or property manager in lieu of notification of all property owners. Applicants shall also post notice prior to the hearing as required in Subsection 15.16.040(c). Applicants shall submit all certificates of mailing from the mailings to the Board of Port Wardens at the hearing.

*(Ord. O-31-02 § 1 (part))*

*(Ord. No. O-16-09 § 1 10-21-2009)*

**15.20.060 - Building permit—Site plan—Working boatyards and private piers with four or fewer slips.**

A site plan shall be submitted with the application for a building permit for a working boatyard or a private pier with four or fewer boat slips. The site plan shall include the following:

- A. A map at a scale of two hundred feet to the inch. The map shall show:
  - 1. All properties with riparian rights within one hundred fifty feet of the boundaries of the applicant's property, structures permanently installed in the waterways extending from the other properties, and the adjacent street(s),
  - 2. The location and description of any existing deterrents or aids to navigation within five hundred feet of the boundaries of the applicant's property;
- B. A detailed site plan at a scale of forty feet to the inch. The site plan shall show:
  - 1. Bathymetry of the developable waterway area shown at two-foot intervals at mean high water (unless otherwise specified by the Director of Neighborhood and Environmental Programs),
  - 2. Mean high water and mean low water lines,
  - 3. Wetlands, if any,
  - 4. Location and dimensions of all existing and proposed piers, mooring piles, mooring buoys, shore protection structures (including groins, jetties, riprap and bulkheads), and material for the proposed structures,
  - 5. Location and dimensions of all areas to be dredged including proposed depths (if applicable),
  - 6. Volume of dredged spoil to be removed, type of material, location and dimensions of disposal area(s) including dikes (if applicable).

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part), prior code § 10-18(a))*

**15.20.070 - Building permit—Site plan—Other facilities.**

A site plan shall be submitted with the application for a building permit for a marina, yacht club, community pier, or private pier with five or more boat slips. The site plan shall include the following:

- A. A map at a scale of two hundred feet to the inch. The map shall show:
  - 1. All properties within five hundred feet of the boundaries of the applicant's property, their uses, and streets. Structures permanently installed in the waterways extending from those properties with riparian rights also shall be shown,
  - 2. The location and description of any existing deterrents or aids to navigation within five hundred feet of the boundaries of the applicant's property;
- B. A detailed site plan at a scale of forty feet to the inch. The site plan shall show:
  - 1. Bathymetry of the developable waterway area shown at two-foot intervals at mean high water and topography of the property at five-foot intervals,
  - 2. Mean high water and mean low water lines,
  - 3. Wetlands, if any,
  - 4. Location and dimensions of all existing and proposed piers, mooring piles, mooring buoys, shore protection structures (including groins, jetties, riprap and bulkheads), and material for the proposed structures,
  - 5. Location and dimensions of all boat launching ramps,
  - 6. Location and capacity of all travel lifts, railways and hoists,
  - 7. Location and dimensions of all areas to be dredged including proposed depth (if applicable),
  - 8. Volume of dredged spoil to be removed, type of material, location and dimensions of disposal area(s) including dikes (if applicable),
  - 9. Proposed regraded surface of the land,
  - 10. Location of all existing and proposed site improvements such as storm drains, culverts, retaining walls and fences,
  - 11. Description, method and location of water supply and sewage disposal facilities,
  - 12. Locations, dimensions and proposed use of all buildings,
  - 13. Location of outdoor storage, including dry boat storage,
  - 14. Location and quantity of all parking spaces, location of truck loading areas, location and width of internal access and egress drives, location and width of streets and roadways which access the property,
  - 15. Location and dimensions of all outdoor maintenance and repair facilities,
  - 16. Location of fuel dock and location and capacity of fuel storage tanks,
  - 17. Number and size of existing and proposed dwelling units by type (where applicable),
  - 18. Total property area,
  - 19. Phasing and timing of development including dredging, waterway area structure and shoreline protection construction, clearing, grading, building construction, surfacing, planting, completion;
- C. Each site plan submittal shall include supporting evidence as to how and on what basis environmental requirements have been or will be met with regard to:
  - 1. Marine life,

2. Water quality (including but not limited to effect on dissolved oxygen, suspended solids, oil and greases, nutrients and fecal coliforms),
  3. Wildlife,
  4. Stormwater management, including grading and sediment control,
  5. Conservation,
  6. Circulation and flushing,
  7. Aquatic vegetation,
  8. Wetlands,
  9. Shoreline protection and erosion control,
  10. Types of and method of disposal of any wastes or byproducts resulting from boat building or the maintenance and repair of boats and engines;
- D. Supporting evidence for evaluation of the environmental requirements shall include, but not be limited to, the following items:
1. The name, address and qualifications of each individual or firm involved in, or consulted with regard to the environmental assessment,
  2. A documentation of the process by which the assessment was formulated,
  3. A description of existing environmental conditions related to the site,
  4. A detailed list of each resource document or other resource material used to support the environmental findings, including a copy of the pertinent portions of the documents or material, where feasible, or a reference to the location where the documents or material may be reviewed,
  5. A copy of each study containing environmental data prepared with regard to the site, whether or not the study was prepared in connection with the pending application,
  6. Any other relevant data, documents or material which support the environmental findings.

(Ord. O-31-02 § 1 (part); prior code § 10-13(b))

#### **15.20.080 - Building permit—Fees.**

- A. A nonrefundable application fee for a building permit to repair, modify, enlarge or construct any fixed and permanent structure in the waterways shall be paid at the time the application is filed.
- B. A fee for a building permit to repair, modify, enlarge or construct any fixed and permanent structure in the waterways shall be paid at the time the permit is issued.
- C. The amount of the application and permit fees shall be established from time to time by the City Council, by resolution.

(Ord. O-31-02 § 1 (part); prior code § 10-20)

#### **15.20.090 - Building permit—Plan preparation.**

Building permit applications for all marina, yacht club, working boatyard, community pier, and private pier installations with five or more boat slips shall have plans and proposed construction details prepared by a licensed engineer.

(Ord. O-31-02 § 1 (part); prior code § 10-19(a))

#### **15.20.100 - Construction standards.**

- A. All structures intended for installation in the waterways shall be constructed to meet at least the minimum standards as established by the Director of Public Works.
- B. All piers shall be of the open-pile design. Filled piers are not permitted.
- C. Bulkheads and other shoreline protection structures may not be constructed in the waterway, except as approved by the Director of Public Works, the Port Wardens and State and Federal agencies, if required.

(Ord. O-31-02 § 1 (part); prior code § 10-19(b)—(d))

#### **15.20.110 - Mooring without permit.**

- A. A person shall not place or maintain, or cause to be placed or maintained, any mooring or mooring buoys in City waters without first obtaining a permit from the Harbor Master. All moorings installed after April 1, 2003 must meet minimum standards approved by the Port Wardens. A permit is valid for not more than one year from date of issuance and shall expire on April 30th of each year unless renewed. An application for a mooring permit shall be filed with the Harbor Master. An application for a mooring buoy in the developable waterway shall contain the consent of the contiguous riparian property owner. The Harbor Master shall not issue any permit for any mooring which is not in position and approved by Port Wardens as of April 1, 2003, without first obtaining the approval of the Board of Port Wardens. The Harbor Master shall annually, on or before April 1st, notify the Board of Port Wardens of all mooring permits to be issued. Any person desiring to appeal a decision of the Harbor Master in issuing or revoking a permit may appeal to the Board of Port Wardens.
- B. A nonrefundable mooring permit application fee shall be paid at the time the application is filed. An annual fee for a mooring permit shall be paid at the time the permit is issued, and for each year thereafter for which the permit is renewed, except that a permit issued to a riparian owner for a buoy in that owner's developable waterway shall not be subject to the annual fee.
- C.

The amount of the application and permit fees shall be established from time to time by the City Council, by resolution.

- D. Any person who places, or causes to be placed, or maintains a mooring in a waterway without a permit as is required in section A of this section, is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council.

*(Ord. O-5-04 § 1 (part); 2004; Ord. O-31-02 § 1 (part); prior code § 10-21)*

#### **15.20.120 - Not posting mooring permit.**

- A. Mooring permits issued by the Harbor Master shall be consecutively numbered, and the number on commercial permits shall bear the letter "C" as a prefix. Every mooring permit number clearly shall be legible at all times and shall be placed conspicuously on the mooring, buoy or vessel for which issued in numerals not less than two inches tall, and each commercial permit also shall bear the letter "C" at least two inches tall.
- B. Violation of this section is, in addition to any other authorized remedy, a municipal infraction and is subject to a fine as established by resolution of the City Council. Each and every day that a violation continues shall be deemed a separate offense.

*(Ord. O-5-04 § 1 (part); 2004; Ord. O-31-02 § 1 (part); prior code § 10-25 (part))*

#### **15.20.130 - Grading permit.**

- A. A grading permit is required for any dredging, filling or other activity which would result in a waterway bottom or shoreline modification.
- B. Application for the permit shall be filed with the Director of Neighborhood and Environmental Programs. The director shall submit the application to the Environmental Commission for an environmental assessment. When the director has determined that the application satisfies all applicable City codes, the application shall be submitted to the Port Wardens with the environmental assessment and all supporting data for their approval or disapproval.
- C. The nonrefundable fee for the application for a grading permit shall be paid at the time the application is filed. The fee for a grading permit shall be paid at the time of issuance.
- D. The fees for the application and the grading permit shall be established from time to time by the City Council.

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part); prior code § 10-22)*

#### **15.20.140 - State and Federal permits and approvals.**

State and Federal permits and approvals required for construction, modification, enlargement, reconstruction and repair of marinas, community and private piers, mooring piles, mooring, and dredging shall be obtained by the applicant and submitted to the Director of Neighborhood and Environmental Programs or Harbor Master, as a prerequisite to issuance of a City building, mooring, grading or dredging permit. The applicant shall furnish to the director or Harbor Master a certified copy of the plans with supporting data, showing approval of the plans by State and Federal agencies. If the application approved by the Port Wardens subsequently is modified by State or Federal agencies, it shall be resubmitted to the Port Wardens for approval prior to issuance of any permit required by this title.

*(Ord. O-26-03 § 1 (part); Ord. O-31-02 § 1 (part); prior code § 10-23)*

#### **15.20.150 - Permit expiration and nontransferability.**

- A. A mooring permit issued by the Harbor Master is valid for work commenced within a period of sixty days from the issuance of the permit; otherwise, it is void. Work permitted by a mooring permit shall be completed within three months of the date of issuance of the permit, unless an extension is granted by the Port Wardens for good cause.
- B. Moorings not in continuous use for more than sixty consecutive days during the period of May 1st to October 31st shall be automatically forfeited to the City.
- C. No mooring permit is transferable without the approval of the Harbor Master. A request for the transfer shall be submitted by the original applicant and the transferee shall acknowledge acceptance of the conditions under which the original permit was issued. Transfers may be approved between current mooring permit holders for the purpose of relocation, but in no case shall a transfer be approved between a person who has come up through the waiting list and holds a current permit, and a person who has not and who does not hold a current permit.

*(Ord. O-31-02 § 1 (part); Ord. O-62-95 § 1; prior code § 10-24)*

#### **15.20.160 - Unlicensed or unauthorized structures.**

- A. Any unlicensed mooring, mooring pile, floating wharf, or buoy found within the waters, or any licensed mooring found in an area not authorized by the Port Wardens, shall be posted with a notice requiring removal within seven days from the date of the notice. Unless the unlicensed or unauthorized structure is removed or a permit is obtained for it within the time required by the notice, the structure may be disconnected and removed, in the discretion of the Harbor Master, and may be disposed of at the expense of the owner.
- B. Notwithstanding the provisions of section A above, any unlicensed mooring, mooring pile, floating wharf, buoy or anchored vessel found restricting or blocking navigation, or compromising the safety of others may be removed immediately by the Harbor Master at the expense of the owner.

- C. Violation of this section, in addition to any other authorized remedy, is a municipal infraction and is subject to a fine as established by resolution of the City Council.

*(Ord. O-5-04 § 1 (part), 2004; Ord. O-31-02 § 1 (part); prior code § 10-25 (part))*

#### **15.20.170 - Use permit—Required.**

A use permit is required for all structures installed in the waterways in the WME, WMM, WMI, WMC, R3, R4 and R5 zoning districts and for all structures having three or more slips in the R1A, R1B, R1, R2, C1 and C2 zoning districts. No occupancy or use shall be made of these structures unless and until a use permit has been approved by the Planning and Zoning Director.

*(Ord. O-31-02 § 1 (part); Ord. O-25-01 § 1; prior code § 10-26(a))*

#### **15.20.180 - Use permit—Application.**

Written application for a use permit for any applicable structure situated, rebuilt, modified, enlarged or constructed in the waterways shall be made at the same time as the application for a building permit for the structure. A written request for issuance shall be made to the Planning and Zoning Director after completion of the work covered by the building permit.

*(Ord. O-31-02 § 1 (part); prior code § 10-26(b))*

#### **15.20.190 - Use permit—Fee.**

The fee for a use permit shall be paid at the time of issuance of the permit. The amount of the fee shall be determined, from time to time, by the City Council, by resolution.

*(Ord. O-31-02 § 1 (part); prior code § 10-26(d))*

#### **15.20.200 - Use permit—Violation.**

- A. A use permit authorizes both initial and continued occupancy and use of a structure in the waterways to which it applies, and may continue in effect so long as the structure and the use are in full conformity with all applicable regulations of this title and any requirement made pursuant to this title, or continues as a permitted nonconforming use.
- B. The Planning and Zoning Director shall investigate any alleged violation of this section, or any violation of this title with respect to the use of a structure installed in the waterways. The findings of the director shall be reported to the Port Wardens, who, after notice to the property owner and holder of the use permit, and a hearing held before the Port Wardens in accordance with this title, may revoke or suspend the use permit. A revoked permit is null and void, and a new use permit is required for the structure.
- C. A structure installed in a waterway which does not have in force a valid use permit shall be removed from the waterway within fifteen days following written notice to the owner or posting of the notice on the structure if the owner is unknown. Unless removed or unless a use permit is obtained within the period, the Harbor Master may remove and dispose of the structure. The cost of removal and disposal shall be borne by the owner and shall be collected in the same manner as property taxes upon certification of the amount to the Director of Finance.

*(Ord. O-31-02 § 1 (part) revised during 1985 codification; prior code § 10-25(c))*

#### **15.20.210 - Temporary permits.**

- A. Notwithstanding any other provisions of this title, the Port Wardens may issue temporary permits for the placement, erection or construction of floating wharfs and other structures within the waters, provided that:
  - 1. The applicant for the temporary permit has a valid permit or letter of authorization for the proposed temporary structure or use from the U.S. Army Corps of Engineers and any other necessary Federal or State agencies; and
  - 2. The proposed temporary structure is to be placed in the waters for the time period set forth in the permit issued by the Port Wardens, which may not exceed sixty days.
- B. The applicant for a temporary permit shall neither be required to secure any building, mooring, grading or use permit otherwise required by this title, nor submit the maps, site plans, and studies required by the title for the construction of fixed and permanent structures, but need only submit to the Port Wardens the same plans, drawings, and supporting materials submitted to the Army Corps of Engineers in order to secure the authorization of that agency. No hearing shall be required for the issuance of a temporary permit by the Port Wardens.

*(Ord. O-31-02 § 1 (part); prior code § 10-34)*